

REMARKS

The examiner has required restriction of the application to either the invention of Group 1, Claims 1-8, drawn to the floor apparatus, classified in class 52, subclass 578 or the invention of Group II, Claims 9-21, drawn to method of construction/installing the floor apparatus, classified in class 52, subclass 741.1.

Election

Applicant hereby elects Group I, corresponding to Claims 1-8, with traverse. Claims 9-21 have accordingly been withdrawn. However, upon allowance of Claim 1, it is respectfully requested that Claims 9-21 be reentered and allowed.

The Examiner based his requirement on MPEP §806.05(f), stating that the invention of Group I and Group II are related as a process of making and the product made; and that the process can be used to make other materially different products, or the product can be made by a different process.

It is respectfully urged that the product and process are related closely and have a similar status in the art. It is also suggested that a single search should likely address the method and product, which can be made by the method. Accordingly, it is requested that the restriction requirement be withdrawn.

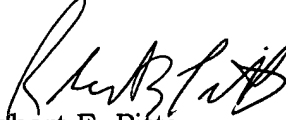
Conclusion

In view of the election of Group I and withdrawal of Claims 9-21, it is respectfully submitted that the Examiner's requirements have fully been met. In view of such election it is respectfully submitted that Claims 1-8 are in condition for allowance. It is further respectfully submitted that Claims 9-21 are likewise in condition for allowance.

In view of the above remarks, it is further respectfully submitted the requirement for restriction should be reconsidered and withdrawn, and that each of Claims 9-21 should be reentered. If, however, the examiner is of the opinion that the application is not allowable, it will be appreciated if the examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910 (29181.00).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. E. Pitts', written over the typed name.

Robert E. Pitts
Registration No. 27,371

Pitts & Brittian, P.C.
P.O. Box 51295
Knoxville, Tennessee 37950-1295
(865) 584-0105 Voice
(865) 584-0104 Fax
repitts@@pitts-brittian.com